



Patent
13634.4003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

William Suttle Peters et al.

Serial No.: 10/634,642

Filed: August 4, 2003

For: An Intraluminal Inflatable Counter-Pulsation
Heart Assist Device

)
) **Group Art Unit:** Not Yet Assigned

)
) **Examiner:** Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

MAIL STOP INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail Post Office To Addressee' in an envelope addressed to the Mail Stop Information Disclosure Statement, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 18, 2004

Date of Deposit

DOCSOC1:147449.1

13634-4003 J2G

Lynne Fulmer

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

X This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.



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PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☐ Please charge _____ to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick Herrington & Sutcliffe's Deposit Account No. **150665**.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2004

By: 
James W. Geriak, Reg. No. 20,233

4 Park Plaza,
Suite 1600
Irvine, CA 92614
949/567-6700 X 7740
Telephone
949/567-6710
Facsimile

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Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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Application Number	10/634,642
Filing Date	August 4, 2003
First Named Inventor	Peters et al.
Group Art Unit	3763
Examiner Name	Not Yet Assigned
Attorney Docket Number	13634.4003

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY
		Number	Kind Code ²		
		6,471,633		Freed	10/29/2002
		6,045,496		Pacella et al.	04/04/2000
		6,030,336		Franchi	02/09/2000
		5,647,380		Campbell et al.	07/15/1997
		5,429,584		Chiu	07/04/1995
		5,372,573		Habib	12/13/1994
		5,273,518		Lee	12/28/1993
		5,267,940		Moulder	12/07/1993
		5,222,980		Gealow	06/29/1993
		5,205,810		Guiraudon et al.	04/27/1993
		4,979,936		Stephenson et al.	12/25/1990
		4,813,952		Khalafalla	03/21/1989
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		4,630,597		Kantrowitz et al.	12/23/1986
		4,583,523		Kleinke et al.	04/22/1986
		4,304,225		Freeman	12/08/1981
		4,195,623		Zeff et al.	04/01/1980
		4,176,411		Runge	12/04/1979
		4,014,318		Dockum et al.	03/29/1997

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	T ⁶
		Office ³	Number ⁴	Kind Code ⁵			
			WO 01/13974				
			WO 99/04833				

ARTICLES/PUBLICATIONS

Examiner Initials	

Examiner Signature	DOCSOC1:147446.1 13634-4003 J2G	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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